

***Remarks***

Claims 1-159 are currently pending in this application, with claims 1, 64 and 159 being independent. Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejection Under 35 U.S.C. § 102(b)***

In the Office Action, the Examiner rejected claims 1-159 under 35 U.S.C. § 102(b) based upon a prior use or sale of the invention. Applicant respectfully traverses the rejection.

In support of the rejection, the Examiner cited Exhibit 9 of the Declaration filed May 15, 2003. Paragraph 9 of the Declaration stated:

Exhibit 9 is an article "Agents' Net Home Pages Begin To Generate Leads" dated January 22, 1996. I was interviewed prior to December 29, 1995 for this article. The second page of this article describes one of my direct marketing programs. The article states: "Out of 1,700 [letters] in one of his firm's direct marketing programs, 19 percent usually send applications, he said." This direct marketing program took place prior to December 29, 1995. As noted in the article, this direct marketing program involved the generation of 1,700 communications. Prior to December 29, 1995, these communications were automatically generated in the manner described in the '434 Patent and the '086 Application, using the software discussed above (and/or related software).

The above-captioned application is a continuation of Ser. No. 08/834,240 (now U.S. Patent No. 6,076,072), which is a continuation-in-part of Ser. No. 08/661,004 (now U.S. Patent No. 5,987,434). The pending claims are supported by and thus entitled to the benefit of the filing date of the '004 Application, which is June 10, 1996. Accordingly, the effective filing date of the pending claims is June 10, 1996. Correspondingly, the critical date of the pending claims is June 10, 1995.

The inventor's direct marketing program described in the article "Agents' Net Home Pages Begin To Generate Leads" occurred between June 10, 1995 and December 29, 1995. In other words, this direct marketing program occurred *after the critical date of the pending claims*. Therefore, the direct marketing campaign described in the article "Agents' Net Home Pages Begin To Generate Leads" does not constitute prior art under 35 U.S.C. § 102(b).

Since it does not constitute §102(b) prior art, it is believed that there is no need to provide the "detailed information on the product for sale or the specific public use of the product" requested in Paragraph 3 of the Office Action.

Applicant respectfully asserts that the rejection has been successfully overcome, because the direct marketing campaign in question took place after the critical date of the pending claims. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection. Also, since the Examiner has applied no other alleged prior art, and has entered no other rejections, Applicant respectfully requests that the Examiner pass this case to issuance at her earliest convenience.

***Conclusion***

All of the stated grounds of rejection have been properly addressed, traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Michael Q. Lee", is written over the printed name.

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